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Rights of indigenous peoples: Second International Decade of the World's Indigenous People

Evaluation of the progress made in the achievement of the goal and objectives of the Second International Decade of the World's Indigenous People

Report of the Secretary-General

Summary

The present report provides an assessment of the Second International Decade of the World's Indigenous People. It has been compiled from reports submitted to the United Nations and to the annual sessions of the Permanent Forum on Indigenous Issues. The report updates the 2010 midterm progress report on the Second Decade and assesses its impact on the achievement of the Millennium Development Goals, contributing to ongoing efforts to define a post-2015 development agenda. The report concludes that there has been some progress in achieving the goals of the Second Decade, and that the current global consensus on the United Nations Declaration on the Rights of Indigenous Peoples is a significant factor in this regard. Undeniably, however, the implementation gap between policy and practice remains a tremendous challenge, particularly in the recognition of the rights of indigenous peoples to lands, territories and resources. The report concludes that the inclusion and prioritization of indigenous peoples' rights in the post-2015 development agenda is critical to ensuring that the United Nations Declaration and the goal and objectives of the Second International Decade of the World's Indigenous People make a real difference to indigenous peoples around the world.

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I. Introduction

1. The present report is submitted pursuant to the request of the General Assembly, in its resolution 65/198, that the Secretary-General, in consultation with Member States, relevant United Nations agencies and mechanisms and other stakeholders, including organizations representing indigenous peoples, submit to the Assembly at its sixty-seventh session, a report evaluating the progress made in the achievement of the goal and objectives of the Second International Decade of the World's Indigenous People and its impact on the achievement of the Millennium Development Goals.

2. The report is a follow-up to the midterm report of the Secretary-General submitted to the General Assembly in 2010 (A/65/166). It provides an update on progress made in achieving the goal and objectives of the Second Decade and assesses the impact on the Millennium Development Goals, as part of the blueprint for a post-2015 development agenda. The information contained in the report was drawn from reports submitted to the United Nations by Member States, United Nations agencies and indigenous peoples' organizations, including reports submitted to sessions of the General Assembly and the Permanent Forum on Indigenous Issues, as well as other documents and publications. The request for information by the Forum included specific reference to achieving the objectives of the Second Decade.

3. The Second International Decade of the World's Indigenous People, which commenced on 1 January 2005, was proclaimed by the General Assembly in its resolution 59/174. The theme of the Second Decade was "Partnership for action and dignity". In resolution 59/174, the Assembly requested that the Secretary-General appoint the Under-Secretary-General for Economic and Social Affairs as Coordinator of the Second Decade. In resolution 60/142, the Assembly adopted the Programme of Action for the Second International Decade of the World's Indigenous People as the guideline for action.

4. The five interlinked objectives of the Programme of Action are:

(a) Promoting non-discrimination and the inclusion of indigenous peoples in the design, implementation and evaluation of international, regional and national processes regarding laws, policies, resources, programmes and projects;

(b) Promoting full and effective participation of indigenous peoples in decisions which, directly or indirectly, affect their lifestyles, traditional lands and territories, cultural integrity as indigenous peoples with collective rights, or any other aspect of their lives, considering the principle of free, prior and informed consent;

(c) Redefining development policies that depart from a vision of equity and that are culturally appropriate, including respect for the cultural and linguistic diversity of indigenous peoples;

(d) Adopting targeted policies, programmes, projects and budgets for the development of indigenous peoples, including concrete benchmarks, and particular emphasis on indigenous women, children and youth;

(e) Developing strong monitoring mechanisms and enhancing accountability at the international, regional and, particularly, the national level regarding the

implementation of legal, policy and operational frameworks for the protection of indigenous peoples and the improvement of their lives.

II. Assessment of the implementation of the goal and objectives of the Second International Decade of the World's Indigenous People

5. The current report analyses and assesses the implementation of the goal and objectives of the Second Decade, focusing on the Programme of Action. Selected measures, programmes and initiatives are highlighted as examples of good practice.

A. Promoting non-discrimination, inclusion and full and effective participation of indigenous peoples (objective 1)

6. As noted in the 2010 midterm progress report of the Secretary-General on the Second International Decade of the World's Indigenous People (A/65/166), the adoption of the United Nations Declaration on the Rights of Indigenous Peoples by the General Assembly in resolution 61/295 constituted the major achievement of the Second Decade. Since 2010, all States that had voted against the Declaration have changed their positions, signifying global consensus on the United Nations Declaration on the Rights of Indigenous Peoples.[1]

7. The preamble of the United Nations Declaration on the Rights of Indigenous Peoples states that all doctrines, policies and practices based on advocating superiority of peoples on the basis of national origin or racial, religious, ethnic or cultural differences are seen as false, racist, legally invalid, morally condemnable and socially unjust. It reaffirms the concept of non-discrimination and reiterates that indigenous peoples should be free from discrimination of any kind in the exercise of their rights. Article 2 of the Declaration states that indigenous peoples and individuals are free and equal to all other peoples and individuals, and have the right to be free from any kind of discrimination in the exercise of their rights, in particular those based on their indigenous origin or identity. For that reason, Member States have been encouraged to review their laws, regulations and policies impacting indigenous peoples. Member States must be involved in promoting non-discrimination and inclusion of indigenous peoples in the design, implementation and evaluation of international, regional and national processes regarding laws, policies, resources, programmes and projects. Constitutional recognition of indigenous peoples is an important step in guaranteeing the recognition, inclusion and promotion of the rights of indigenous peoples. For example, the rights of the Sámi people to preserve and develop their language, culture and way of life have been protected in the Norwegian Constitution since 1988.[2]

8. Many countries are now engaged in reforming their constitutional and legal systems to protect the rights of indigenous peoples. Some of the constitutional

[1] By December 2010, Australia, Canada, New Zealand and the United States of America had signalled their support for the United Nations Declaration on the Rights of Indigenous Peoples. Colombia and Samoa, two of the nine States abstaining from the Declaration, also reversed their positions.

[2] See http://www.norway-un.org.

reforms taking place today go as far as to recognize the collective rights of indigenous peoples. The 2008 Constitution of Ecuador recognized indigenous peoples and other nationalities and acknowledged Ecuador as an intercultural and plurinational State. In 2009, the Government of the Plurinational State of Bolivia enacted its new Constitution, which guaranteed the full participation of indigenous peoples in the construction of the State.[3] Kenya's 2010 Constitution provided an array of civil, political, socioeconomic and collective rights for minorities and marginalized groups, each of which had relevance to indigenous peoples in the country.[4] In 2011, the new Constitution in Morocco gave recognition and official status to the identity and language of the Amazigh peoples.[4]

9. Along with constitutional reform, the recognition of indigenous peoples' rights in national processes such as laws and policies has been addressed in many countries. In 2010, the Government of Peru established the Vice-Ministry of Intercultural Affairs within the Ministry of Culture to promote the rights of indigenous peoples, in accordance with both International Labour Organization (ILO) Convention No. 169 and the United Nations Declaration on the Rights of Indigenous Peoples. The First National Indigenous Congress was held in El Salvador in October 2010. At the opening of Congress, the President of El Salvador apologized to the nation's indigenous peoples for the harm they had suffered over the past five centuries and stated that, from that day forward, he would officially terminate the historical denial of the diversity of peoples and acknowledge El Salvador as a multi-ethnic and multicultural society.[5] In 2011, the Congo became the first country in Africa to promulgate a specific law on the promotion and protection of the rights of indigenous populations (Law No. 5-2011). The law was the result of a participatory consultative process among representatives of the Government, civil society and indigenous peoples.

10. The inclusion of indigenous peoples in national laws, policies, resources, programmes and projects strengthens, supports and recognizes the distinct identity of indigenous peoples. In recent years, countries including Ecuador, El Salvador and Paraguay have made efforts to register indigenous children in national civil registries using their indigenous names, and providing all indigenous people with identity cards, and thus recognizing them as rights-bearers. El Salvador and Paraguay have created national registers of indigenous communities in order to assist such communities to uphold their collective rights over their lands and to maintain their culture and traditions.

B. Promoting the full and effective participation of indigenous peoples in decisions which, directly or indirectly, affect their collective rights, considering their free, prior and informed consent (objective 2)

11. The full and effective participation of indigenous peoples in matters relating to their collective rights in policy and decision-making processes at the national level is a key principle affirmed in article 18 of the United Nations Declaration on the Rights of Indigenous Peoples. Over the years, at its annual sessions, the Permanent

[3] E/C.19/2011/8, para. 2.

[4] See International Work Group for Indigenous Affairs, *The Indigenous World 2012*, Copenhagen, 2012.

[5] E/C.19/2011/8, para. 4.

Forum has reiterated the right of indigenous peoples to participate in decision-making in all matters affecting them. There are various models within the United Nations system, developed in partnership with indigenous peoples, outlining methods to ensure their full and effective participation in decision-making and policymaking. In parallel, at the programmatic level, several intergovernmental organizations and United Nations entities have introduced new initiatives on indigenous peoples, either by developing corporate strategies, policies or strategic frameworks, or by strengthening and expanding existing ones. In addition, some of these organizations have established participatory mechanisms for indigenous peoples.

12. Policy and legislative reforms provide opportunities for indigenous participation. In Guatemala, the participation of indigenous peoples in public policy is exemplified in the National Policy for the Advancement and Integral Development of Women 2008-2023; the Public Policy in Favour of Coexistence and the Elimination of Racism and Racial Discrimination against Indigenous Peoples; and the National Comprehensive Development Policy, which was approved in May 2009. There are many other legislative initiatives in various parts of the world, either in the form of laws on participation and consultation, or plans aimed at ensuring indigenous peoples' right to be consulted before the development of projects.

13. Unfortunately, many challenges remain. There have been far too many instances where indigenous peoples have not been consulted about projects affecting their communities, or where international standards had not been observed. Furthermore, the definition of free, prior and informed consent has remained vague, leaving the final interpretation on the application of that principle to the relevant State body. In August 2011, the Congress of Peru approved Law No. 29785 on prior consultation of indigenous peoples. While the law was welcomed by different indigenous groups, it was also criticized for not specifying when free, prior and informed consent had to be obtained.[4] In Guatemala, a bill on the State's duty to consult was opposed by indigenous representatives for failing to meet the international standards established in ILO Convention No. 169.[6] The Plurinational State of Bolivia approved a law in 2010 on jurisdictional demarcation which was based on the right to consultation and to free, prior and informed consent. The law also recognized the validity of traditional indigenous justice, and established modes of coordination with other traditional forms of justice.[7] The Government of Ecuador is developing a methodology for implementing the right to free, prior and informed consent. Further, the Ministry for the Coordination of Heritage, through its Programme for Development and Cultural Diversity, in cooperation with ILO, has completed a study on the systematization of the ways and means in which indigenous peoples and nationalities make decisions.[8]

14. At the global level, representatives of indigenous peoples have increased their levels of participation in meetings of the Permanent Forum, the Expert Mechanism on the Rights of Indigenous Peoples and other United Nations meetings and treaty-body sessions. The Human Rights Council, recognizing the importance of

[6] E/C.19/2010/12/Add.8, para. 30.

[7] See Plurinational State of Bolivia, annual report to the Permanent Forum on Indigenous Issues (2011) (http://www.un.org/esa/socdev/unpfii/documents/session_10_Bolivia.pdf).

[8] See Ecuador, annual report to the Permanent Forum on Indigenous Issues (2012) (http://www.un.org/esa/socdev/unpfii/documents/2012/session-11-Ecuador.pdf).

encouraging the participation of indigenous peoples in the United Nations system, in its resolution 18/8 requested that the Secretary-General, in cooperation with the Office of the United Nations High Commissioner for Human Rights (OHCHR), the Office of Legal Affairs and other relevant departments of the United Nations Secretariat, to recommend ways and means not only of promoting the participation of indigenous peoples' representatives at the United Nations, but also of recognizing their right to participate in meetings on issues affecting them, given that they were not always organized as non-governmental organizations, and of structuring the manner of such participation.

C. Redefining culturally appropriate development policies (objective 3)

15. Indigenous peoples' concept of development is based on the values of reciprocity, solidarity, equilibrium and collectivity, with the idea that human beings should live in harmony with the natural world. Development that includes elements of culture and identity is characterized by a holistic approach that builds on collective rights, security and greater control and self-governance of lands, territories and resources. It promotes a strong gender focus, respect for traditional experience, and a vision of sustainable development of the environment and affirmation of the social, economic and cultural rights of indigenous peoples.[9] The United Nations Declaration on the Rights of Indigenous Peoples provides the fundamental basis upon which indigenous peoples can affirm their rights and define their aspirations in their interaction with States and corporations. Article 3, which is central to the Declaration, reaffirms the right of indigenous peoples to self-determination.

16. The Second International Decade of the World's Indigenous People and the United Nations Declaration on the Rights of Indigenous Peoples both urge Member States and the United Nations system to adopt an inclusive approach towards development that embraces indigenous peoples' free, prior and informed consent on development projects affecting their lives. The obligation to consult indigenous peoples applies at all levels of the development process. Indigenous peoples should be consulted, in good faith and through appropriate procedures, with the objective of obtaining their consent when measures that may affect them are being considered. Effective implementation can be in the form of specific laws and policies. In Paraguay, one process for the recognition and protection of indigenous peoples' territories and cultures has been implemented through a project entitled "Marking territory and expressing culture", targeting the Totobiegosode peoples who live in voluntary isolation and have suffered from the consequences of deforestation. It safeguards the territory and integrity of the tribe, and their right to self-determination.[10]

17. At the global level, the United Nations Development Group Guidelines on Indigenous Peoples' Issues, adopted in February 2008, based on the United Nations Declaration, ILO Convention No. 169 and other relevant international instruments, is an example of a new approach to development. It sets out the normative, policy and operational framework for implementing a human-rights-based, culturally sensitive approach to development,[11] and affirms that indigenous peoples have the

[9] E/C.19/2010/14, para. 22.

[10] E/C.19/2012/12, para. 14.

[11] http://www.undg.org/index.cfm?P=270.

right to define and decide their own development priorities. The aim of the Guidelines is to assist United Nations country teams to mainstream indigenous peoples' issues, particularly during the preparation of the common country assessment/United Nations Development Assistance Framework process, as well as during other phases of policy and programming.

18. A number of United Nations agencies have been redefining their own development policies to include respect for indigenous peoples' cultural and linguistic diversity through consultative processes that include indigenous peoples. In February 2011, the International Fund for Agricultural Development (IFAD) established the Indigenous Peoples' Forum, within the framework of the United Nations Declaration on the Rights of Indigenous Peoples, in order to implement its policy on engagement with indigenous peoples. The aim of the Forum is to promote the participation of indigenous peoples in IFAD discussions and programmes. In 2010, the Food and Agriculture Organization of the United Nations (FAO) approved a policy on indigenous and tribal peoples, based on international legal instruments, including the United Nations Declaration. The implementation of this policy is under way, accompanied by activities of FAO Interdepartmental Working Group on Indigenous Issues.

19. Indigenous peoples are increasingly demanding their right to participate in policy dialogue on development issues at both the national and international levels. They have raised serious concerns regarding development, in particular, large infrastructure projects on their lands, including projects carried out by extractive industries, as well as highway or dam projects that have, in many cases, caused destruction to their lands, territories and resources and generated severe inequality and other social problems.

20. Increasing international attention has been devoted to the relationship between business corporations and indigenous peoples. In 2011, a Permanent Forum analysis of the duty of the State to protect indigenous peoples affected by transnational corporations and other business enterprises (E/C.19/2012/3) concluded that the scale and scope of resource exploration and exploitation of indigenous peoples' lands and territories has affected indigenous peoples and their communities, that the number of transnational corporations engaging in resource exploitation was increasing and that, therefore, there was a need to implement standards for social responsibility to ensure compliance with the United Nations Declaration on the Rights of Indigenous Peoples, and that Governments needed to utilize international standards to guarantee the rights of indigenous peoples at the national level.

21. The Special Rapporteur on the rights of indigenous peoples has also focused on extractive industries operating within or near indigenous territories (A/HRC/18/35). In his 2011 report to the Human Rights Council, among the many issues identified were the environmental impact and health problems related to resource extraction and pollution, their adverse impacts on indigenous peoples' structures and cultures and the threat to their survival as distinct peoples owing to forced relocation from their ancestral lands. The report pointed out that the activities of extractive industries had also resulted in the deterioration of communal social cohesion and erosion of traditional authority structures, and that there was a lack of consultation, participation and dialogue on agreements in the operation of natural resource extraction projects that affected indigenous peoples.

22. In June 2011, the Human Rights Council unanimously endorsed the Guiding Principles on Business and Human Rights (A/HRC/17/31), providing global standards for preventing and addressing the risk of adverse impacts on human rights linked to business activity. At the same session, by its resolution 17/4, the Council established the Working Group on the issue of human rights and transnational corporations and other business enterprises, whose mandate was especially relevant to indigenous peoples.

23. There are many challenges to developing and implementing culturally sensitive international development processes. These include the lack of understanding of indigenous peoples' internal leadership structures and self-governance institutions, the scarcity of individuals with the requisite skills to work with indigenous peoples, and the lack of funding for economic empowerment activities. There are also enabling factors identified by the Permanent Forum, the Expert Mechanism on the Rights of Indigenous Peoples and the Special Rapporteur. These include the institutional policies and programmes established by United Nations agencies and other intergovernmental organizations, technical cooperation, facilitation of dialogue between Governments and indigenous peoples at the national level and the support provided by non-governmental organizations and United Nations entities in the development or restructuring of legislative and institutional frameworks focused on indigenous peoples' rights at country level.

D. Adopting targeted policies and programmes for the development of indigenous peoples (objective 4)

24. Indigenous peoples are proactive in attending international conferences in order to advance their rights, to enhance their effective participation in all activities that affect them and to influence outcomes. Indigenous women attending the fifty-sixth session of the Commission on the Status of Women advocated the adoption of a resolution recognizing the role of indigenous women as key actors in poverty and hunger eradication (E/CN.6/2012/L.6). Indigenous peoples also focused their attention on the 2012 United Nations Conference on Sustainable Development and were one of the major groups participating in the formal negotiations of the outcome document, entitled *The future we want* (resolution 66/288).

25. Targeted policies and programmes for indigenous peoples have been evident in some Central American, South American and Caribbean countries, where the concept of interculturality was applied at the national level. The Government of Ecuador has developed a national plan for living well, 2009-2013, whose objectives include interculturality, mutual recognition and the valorization of all collective forms of expression. In 2009, the Bolivarian Republic of Venezuela promulgated a law on the cultural heritage of indigenous peoples with the objective of protecting the collective rights of indigenous peoples and all matters that constitute their cultural heritage. The law recognized collective ownership over indigenous knowledge, technologies, scientific innovation and artistic forms.

26. Since 2011, in Central America, South America and the Caribbean, the United Nations Development Programme (UNDP) and the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) have been developing programmes that promote the political and electoral participation of indigenous peoples, particularly women and youth. The process encourages

indigenous organizations and leaders, especially women, to work together to promote and strengthen indigenous peoples' organizations and networks in the region. The secretariat of the Permanent Forum is working with OHCHR, UNDP, IFAD and the Inter-Parliamentary Union on a handbook for parliamentarians on the implementation of the United Nations Declaration on the Rights of Indigenous Peoples.

27. At the international level, United Nations agencies have recognized the added value of specific policy documents on indigenous peoples. As noted above, several United Nations agencies have adopted policies or strategies for engaging with indigenous peoples. However, the need for United Nations agencies to develop joint initiatives and partnerships with indigenous peoples' organizations continues. One example is a joint UNDP-UN-Women project, with the Autonomous University of Mexico, the Visiting Indigenous Chair of the Indigenous Cultural University, the Indigenous Fund and the Alliance of Indigenous Women of Central America and Mexico, to strengthen the leadership skills of indigenous women in political processes.

28. In May 2011, five United Nations agencies and offices, namely, the United Nations Children's Fund (UNICEF), ILO, OHCHR, UNDP and the United Nations Population Fund (UNFPA) launched the United Nations Indigenous Peoples' Partnership (UNIPP), focused on developing national capacities to promote indigenous peoples' rights. The key aim was to facilitate the implementation of international standards, particularly the United Nations Declaration on the Rights of Indigenous Peoples and ILO Convention No. 169. This initiative includes a multi-donor trust fund under the guidance of a policy board that includes the membership of indigenous experts. In October 2011, the UNIPP policy board approved six country projects (in Bolivia (Plurinational State of), Cameroon, the Central African Republic, the Congo, Nepal and Nicaragua) and one regional programme (South-East Asia).

29. Overall, indigenous peoples face significant challenges, and they are not able to exercise their human rights fully. The Permanent Forum continues to give high priority to the protection and promotion of indigenous peoples' rights, with added focus on women, children, youth and people with disabilities. A number of States have developed specific programmes for indigenous peoples to strengthen leadership skills, protect women's rights, establish intercultural systems of education, preserve indigenous languages and cultural heritage and safeguard rights to their lands, territories and natural resources.

30. Many States have developed strategies for poverty and hunger, rural development and education, youth and gender. Many include references to ethnic groups, minorities or vulnerable groups. As a result, indigenous peoples' issues have generally been addressed under the umbrella of other social and development policies and programmes, such as the elimination of racial discrimination or the enhancement of cultural diversity and equality for all. Rarely have indigenous peoples' issues been specifically addressed in national development plans, poverty reduction strategies or the common country assessments/United Nations Development Assistance Framework process, which involves joint agreements between United Nations country teams and Governments.

E. Promoting strong monitoring mechanisms and enhancing accountability at all levels (objective 5)

31. The Permanent Forum on Indigenous Issues holds a comprehensive dialogue with United Nations agencies during its annual session. The practice has been beneficial in triggering greater commitment by United Nations agencies on indigenous peoples' issues. For example, based on advice received during its comprehensive dialogue with the Permanent Forum, UNICEF has developed a programme strategy on indigenous and minority issues to guide country offices in programming with national partners.[12]

32. At the regional level, the African Commission on Human and Peoples' Rights has been advancing indigenous peoples' rights. Each year, indigenous peoples' representatives contribute to its sessions by reporting on the human rights situation of indigenous peoples in the African region. This has raised awareness of indigenous peoples' rights by facilitating exchanges between indigenous representatives and their respective Governments. In February 2010, the Commission delivered a landmark ruling on the land rights of the Endorois people of Kenya. This was an important step towards recognizing indigenous peoples' rights, in particular, their right to their ancestral lands and to the use of their natural resources, including the right to compensation for past evictions and dispossessions. This ruling has set a precedent for future land rights claims and the use of natural resources.[13] The Commission's Working Group on Indigenous Populations, which undertakes country visits to monitor the human rights situation of indigenous communities, has contributed to increasing dialogue between Governments and indigenous peoples.[14]

33. The Inter-American Commission on Human Rights has issued a significant number of judgements and interpretations on indigenous peoples' rights. Under the individual system of petitions and supervision of the human rights situation, the Commission has affirmed indigenous peoples' rights to collective ownership and possession of their ancestral lands and territories, including their right to preserve their cultural and spiritual heritage and to transmit it to future generations. The Commission has also developed jurisprudence on the obligation of States to consult indigenous peoples and ensure their participation in decisions affecting them.[15]

34. Indigenous peoples also take part in the meetings of the Association of Southeast Asian Nations (ASEAN). In 2009, ASEAN established an Intergovernmental Commission on Human Rights and, in June 2011, commenced work on the drafting of its human rights declaration. Indigenous peoples have established an Indigenous Peoples' Task Force on ASEAN and are advocating the

[12] See annual report of UNICEF to the United Nations Permanent Forum on Indigenous Issues (www.un.org/esa/socdev/unpfii/documents/2012/session-11-UNICEF.pdf).

[13] In 2010, the Ogiek people in Kenya also took their case to the African Commission, claiming their right to live in the Mau forest. See the website of the African Commission (www.achpr.org).

[14] To date, the African Commission on Human and Peoples' Rights Working Group on Indigenous Populations has undertaken 13 country visits to 12 countries: Burundi (April 2005), Botswana (June 2005), Namibia (July-August 2005), Libya (August 2005), the Congo (September 2005 and March 2010), Niger (February 2006), Uganda (July 2006), the Central African Republic (January 2007), Gabon (September 2007), Rwanda (December 2008), the Democratic Republic of the Congo (August 2009) and Kenya (March 2010).

[15] See the Inter-American Commission on Human Rights website (http://www.oas.org/en/iachr/).

creation of a working group on indigenous issues and the inclusion of the rights of indigenous peoples in the forthcoming human rights declaration currently being drafted.

35. The United Nations Declaration on the Rights of Indigenous Peoples has become the cornerstone for the work of the majority of human rights mechanisms and institutions considering issues of non-discrimination, inclusion, and full and effective participation of indigenous peoples. However, this trend, as pointed out in the previous report assessing the achievements of the Second Decade (see A/65/166), has been much stronger at the intergovernmental and regional levels than at the national level. The lack of legal recognition and protection, paired with political exclusion and lack of representation in national policymaking and decision-making processes, have remained major challenges.

36. In response to a recommendation of the Permanent Forum, a technical expert meeting was held in 2010 on "Keeping track: indicators, mechanisms and data for assessing the implementation of indigenous peoples' rights".[16] The report pointed out that, at present, there was no single institutionalized mechanism for monitoring the implementation of the Declaration on the Rights of Indigenous Peoples. The report also suggested that a common, coherent and comprehensive assessment framework could be developed in consultation with indigenous peoples, to enhance coordination and complementarity among existing efforts. The OHCHR methodology for identifying structural process and outcome indicators could be used to guide the formulation of illustrative, flexible indicators that could be adapted to regional, country and local contexts.

37. At the tenth session of the Permanent Forum, an analysis was presented on the implementation of the recommendations of the Permanent Forum concerning economic and social development, the environment, and free, prior and informed consent. While some progress was evident in the recognition of indigenous peoples' rights, there were limited resources to measure the effectiveness of actions taken at the local level. This was further complicated by a lack of annual reporting by United Nations agencies and by Member States on the follow-up to the recommendations of the Permanent Forum. Given that the Second Decade will end in 2014, it is important to receive information from Member States and United Nations agencies so as to be able to assess implementation of the recommendations of the Permanent Forum and to identify future action.

III. Impact of the Second International Decade of the World's Indigenous People on the achievement of the Millennium Development Goals

38. Although most Member States, international organizations and indigenous peoples' organizations have implemented measures to meet the Millennium Development Goals, only a few have developed specific initiatives in response to the plan of action for the Second International Decade. This could be an indication that the policies, programmes and projects designed to achieve the Millennium Development Goals could also achieve the goal and objectives of the Second

[16] See E/C.19/2011/11 (http://www.un.org/esa/socdev/unpfii/documents/session_10_crp_2.pdf).

Decade, insofar as they targeted vulnerable groups and addressed inequalities within national societies.

39. In 2005, at its fourth session, the Permanent Forum addressed Millennium Development Goal 1 (Eradicate extreme poverty and hunger) and Goal 2 (Achieve universal primary education). The Permanent Forum, realizing the need to incorporate indigenous peoples' issues into the Goals to a greater degree, devoted its fifth session (2006) to the special theme "The Millennium Development Goals and indigenous peoples: redefining the Goals". During those sessions, many indigenous peoples' representatives stressed the urgency of redefining approaches to the implementation of the Goals in order to include their rights, perspectives, concerns, experiences and world views. They affirmed that indigenous peoples had their own definitions of poverty and development, and that there should be full and effective participation of indigenous peoples in the implementation of the Millennium Development Goals. Indigenous peoples from developed countries pointed out that they suffered from significant disparities in the enjoyment of economic, social and cultural rights, as developed countries treated the Goals as a matter of foreign policy, relevant only to their international aid programmes. The lack of disaggregated data was identified as a common obstacle to the assessment of the implementation of the Goals.[17]

40. The secretariat of the Permanent Forum conducted desk reviews of national Millennium Development Goals reports in 2006, 2007, 2008 and 2010 to determine the degree to which indigenous issues had been considered in those reports and whether indigenous peoples had participated in Goals monitoring at the national level. The disparate level of attention to indigenous peoples and indigenous issues has remained a challenge.[18] A common challenge facing countries in relation to the achievement of the Millennium Development Goals and indigenous peoples has been the relevance of addressing the development needs of indigenous peoples when they constitute a minority population. In such countries, cultural and linguistic barriers have triggered the further marginalization of indigenous peoples in development policies, with Governments opting for programmes aimed at larger groups to improve national averages, but failing to contextualize and tailor initiatives to the specific needs of indigenous peoples. In the Plurinational State of Bolivia, where indigenous peoples constitute the majority, there are good examples of mainstreaming and incorporating indigenous peoples in Millennium Development Goals reports, including the use of disaggregated data.

41. The majority of reports reviewed made indirect or little reference to indigenous peoples. In almost all reports, there was no information on specific provisions for the inclusion of indigenous peoples in the implementation, monitoring and evaluation of progress towards the Millennium Development Goals. The reports provided no disaggregated data on indigenous peoples for each Goal. In general, the data presented focused on national development status and provided only a general portrait of regional or ethnic patterns. For example, some national reports made little reference to Amerindians and other indigenous peoples. While it was recognized that the hinterland regions, where Amerindians constituted the

[17] See E/2006/43, chap. I.B, paras. 4 and 6.

[18] Secretariat of the Permanent Forum on Indigenous Issues, *MDG Reports, ccas, UNDAFs and Indigenous Peoples: A Desk Review 2010*, available at: http://www.un.org/esa/socdev/unpfii/documents/Desk%20Review%202010.pdf.

majority, lagged behind national averages on almost every target, further disaggregation of data would have been beneficial for more focused policies and detailed reporting.[19] Disaggregation of data on indigenous peoples would be a necessary step towards both monitoring progress in the achievement of the Goals and formulating targeted policies and programmes. This should be a key priority for Governments and entities of the United Nations system.

42. An analysis of the country reports on the Millennium Development Goals, common country assessments and United Nations Development Assistance Framework reports for 2010 and 2011 indicate that only a few countries reported specifically on measures aimed at addressing indigenous peoples' issues. The African regional Millennium Development Goals report of 2010 mentioned indigenous peoples in connection with indigenous knowledge applied to science and technology for the achievement of Goal 7 on environmental sustainability and Goal 4 on child mortality.[20] The Latin American and Caribbean regional Millennium Development Goals report of 2010 acknowledged that indigenous groups lagged behind in the area of overcoming poverty and indicated that the most vulnerable groups were indigenous women and children. In general, indigenous peoples achieved only very low levels of education (Goals 1 and 2), and suffered from poor access to drinking water (Goal 7) and high rates of chronic undernutrition (Goals 4, 5 and 6). The report highlighted difficulties in progress towards universal access to education, and the need to encourage school enrolment among disadvantaged groups, including indigenous peoples.[21] The Millennium Development Goals report of the Economic and Social Commission for Asia and the Pacific 2010 noted that many countries threatened by the effects of climate change were drawing upon traditional indigenous knowledge for adaptation and mitigation measures to reduce risks and strengthen resilience.[22]

43. Several Millennium Development Goals country reports discussed the situation of indigenous peoples in the contexts of extreme poverty, gender equality and empowerment of women, child mortality and maternal health (Goals 1, 3, 4 and 5). The levels of poverty, hunger and malnutrition were often disproportionately higher among indigenous peoples than among non-indigenous populations. Exploitation, discrimination and political and socioeconomic exclusion exacerbated indigenous peoples' vulnerability. Food insecurity and lack of access to, and control over, lands, territories and natural resources were critical determinants of indigenous peoples' vulnerability.[23] While some Member States have adopted legal reforms or policies promoting indigenous peoples' access to food, including Mexico and

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[19] Secretariat of the Permanent Forum on Indigenous Issues, *"MDG Reports and Indigenous Peoples: A Desk Review"*, No. 3, February 2008 (available at: http://www.un.org/esa/socdev/unpfii/documents/MDG_Reports_and_IPs_2008.pdf) and "Human Development Reports and Indigenous Peoples: A Desk Review", (available at: http://www.un.org/esa/socdev/unpfii/documents/HDR_desk_review_en.pdf).

[20] African Union, Economic Commission for Africa, African Development Bank Group and UNDP, *Assessing Progress in Africa toward the Millennium Development Goals, MDG Report 2010* (available at: http://web.undp.org/africa/mdg2010.shtml.

[21] *Achieving the Millennium Development Goals with equality in Latin America and the Caribbean: Progress and challenges (2010).*

[22] Economic and Social Commission for Asia and the Pacific, *Accelerating Equitable Achievement of the MDGs: Closing Gaps in Health and Nutrition Outcomes (2011).*

[23] See E/2012/43.

Paraguay,[24] or supporting indigenous peoples' food security, such as the Plurinational State of Bolivia,[25] the recognition of indigenous peoples' right to maintain and strengthen traditional food systems in accordance with their culture and identity has remained a major challenge. In Ecuador, a development programme for cultural diversity to reduce poverty and promote social inclusion has been developed in the poorest provinces of the country.[26]

44. There is a critical educational gap worldwide between indigenous peoples and the rest of the population in the achievement of Goal 2, universal primary education, specifically in years of schooling and rates of graduation. Ethnic and cultural discrimination in schools are major obstacles to equal access to education, causing poorer performances and higher dropout rates, especially for indigenous girls, who experienced problems related to unfriendly school environments, gender discrimination, school-based violence and, in some cases, sexual abuse. In most cases, school curricula did not include, respect or recognize, the specific identity and rights of indigenous peoples, the most important elements of the educational needs of indigenous children and youth. Intercultural, multilingual educational systems that respect and incorporate indigenous peoples' distinct culture and identity would facilitate the achievement of Goal 2.

45. In several Latin American countries, the level of schooling among indigenous children has increased due to measures guaranteeing accessibility to public education through curriculum reform, the introduction of indigenous languages and scholarship programmes. Progress in bilingual education has been achieved in the Plurinational State of Bolivia, with the introduction of a programme on bilingual intercultural education for rural primary schools in the three major indigenous languages.[7]

46. In terms of Millennium Development Goal 3 on gender equality and the empowerment of women, the gap between men and women has remained wide in indigenous communities despite successes in closing the educational gap. Attempts to close the gender gap have been ongoing in Paraguay, for example, where the Ministry of Women's Affairs, in coordination with the Paraguayan Indigenous Institute, has carried out a project to strengthen the capacity of women handcrafters in the Ayoreo community.[27]

47. When reviewing Millennium Development Goals 4 and 5 on child mortality and maternal health, indigenous communities tended to be worse off than non-indigenous communities. With regard to Goal 5, professional health-care attendance at birth was lower in areas with larger indigenous populations. One of the main determinants of indigenous women's maternal mortality rates was related to the fact that many indigenous women, especially in developing countries, had little or no access to basic health clinics and facilities.

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[24] See Mexico and Paraguay, annual report (2012) to the Permanent Forum on Indigenous Issues, (http://www.un.org/esa/socdev/unpfii/documents/2012/session-11-Mexico.pdf and http://www.un.org/esa/socdev/unpfii/documents/2012/session-11-Paraguay.pdf).

[25] See Plurinational State of Bolivia, annual report (2012) to the Permanent Forum on Indigenous Issues (http://www.un.org/esa/socdev/unpfii/documents/2012/session-11-Bolivia.pdf).

[26] See Ecuador, annual report (2012) to the Permanent Forum on Indigenous Issues (http://www.un.org/esa/socdev/unpfii/documents/2012/session-11-Ecuador.pdf).

[27] See Paraguay, annual report to the Permanent Forum on Indigenous Issues (2012) (http://www.un.org/esa/socdev/unpfii/documents/2012/session-11-Paraguay.pdf).

48. Articles 21 to 24 of the United Nations Declaration on the Rights of Indigenous Peoples called for particular attention to indigenous women in the implementation of the Declaration, and for specific measures to be taken to ensure that indigenous women and children enjoyed the full protection of their rights to health and health services, including traditional medicines and health practices. The implementation of those articles are of particular relevance to maternal mortality and morbidity, and to child mortality.

49. The Permanent Forum has also made recommendations to Member States on fostering a rights-based approach to health, the right to culturally acceptable and appropriate services and reproductive rights for indigenous women, in the light of a holistic concept of health which encompasses the collective well-being of indigenous communities and the natural environment, in its physical, social, mental, environmental and spiritual dimensions.[28]

50. The experiences of United Nations agencies such as the Pan American Health Organization (PAHO) and UNFPA, working in the Central African Republic, the Philippines, Viet Nam and countries in Latin America, reveal that community interventions that promote culturally sensitive health care are fundamental for mobilizing communities to save the lives of indigenous children and women.[29] PAHO has adopted a workplan for 2012-2013 that has integrated an intercultural perspective in health as a means of addressing the health-related Millennium Development Goals. In the Americas, for example, PAHO has worked with the Economic Commission for Latin America and the Caribbean on the preparation of an ethnic-related atlas in 12 countries and on pilot projects designed to incorporate the ethnic variable in health-care systems.[30] In Peru, an intervention by UNICEF has demonstrated that intercultural approaches to obstetric care have increased the coverage of institutional obstetric services, reduced maternal and perinatal mortality and led to a more sustainable relationship between the service provider and the user.[31] Similar interventions have been undertaken in the Bolivarian Republic of Venezuela, Ecuador and Guatemala. In addition, UNFPA has been implementing intercultural reproductive health programmes for indigenous women in Ecuador, Guatemala, Mexico, Panama and the Plurinational State of Bolivia, identifying the main elements of intercultural maternal health.

51. Various countries have adopted modalities and strategies by which to organize their intercultural health systems, delivering Western and indigenous health services through the same health assistance centre. However, the lack of vital statistics or data disaggregated by ethnic group, gender and age has made the generation of policies and managerial processes more difficult. This, in turn, has jeopardized the formulation of priorities and appropriate monitoring and evaluation systems for indigenous peoples.[32] UNICEF, for example, in addressing issues involving vulnerable and excluded children, continues to be confronted with the limited scope of data on indigenous children derived from population censuses, Demographic and Health Surveys and Multiple Indicator Cluster Surveys.[33]

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[28] United Nations, *State of the World's Indigenous Peoples*, 2009.

[29] E/C.19/2012/11, para. 33.

[30] Ibid., para. 29.

[31] E/C.19/2011/7.

[32] See E/C.19/2012/11.

[33] Ibid., para. 38.

52. HIV/AIDS is one of the most urgent challenges faced by indigenous peoples. The United Nations publication *State of the World's Indigenous Peoples* (2010) reported that, although it was officially recognized that indigenous peoples, in particular indigenous women and girls, were highly susceptible to contracting HIV, there were few initiatives that addressed HIV/AIDS among indigenous peoples. Little data were available on how HIV affected indigenous peoples. In an effort to track HIV-related vulnerability among indigenous peoples, the Joint United Nations Programme on HIV/AIDS (UNAIDS) has developed a survey addressed to UNAIDS country coordinators containing questions regarding outreach to indigenous peoples.[34]

53. In considering Millennium Development Goal 7 on environmental sustainability, it must be noted, first of all, that indigenous peoples' relationship with the environment, including waters, lands and natural resources, underpins their social and economic well-being and is crucial to their culture, resilience and, ultimately, survival and identity, as enshrined in articles 25 to 32 of the United Nations Declaration on the Rights of Indigenous Peoples.

54. The Permanent Forum has made recommendations that Member States recognize indigenous peoples' rights to forests and forest conservation, including customary law on land and resource rights and the right to be fully involved in decision-making processes related to water, environmental management and sustainability. One of the major issues was that indigenous peoples faced competition from agricultural plantations, as well as from hydroelectric dams, mining operations and other commercial and economic entities.[23] More importantly, the participation of indigenous peoples in all aspects of the international dialogue on climate change was essential, as demonstrated by the active role played during the Conference on Sustainable Development, held in Rio de Janeiro, Brazil, in June 2012.[35]

55. Some States have taken steps to recognize the role of indigenous peoples in environmental sustainability. For example, Ecuador has recognized, as fundamental human rights in its Constitution, the right to natural resources and water. In Paraguay, a project entitled "Marking territory and expressing culture" aimed at safeguarding the territory and integrity of the Totobiegosode peoples, as well as protecting their patrimony, culture and biodiversity through the delimitation of their territory, has been established. The Government of the Plurinational State of Bolivia has promulgated a law which has incorporated the concepts of respect for and protection of the rights of Mother Earth, non-commercialization and interculturality, based on the principle of living in harmony with nature.

56. With reference to Millennium Development Goal 8 on the creation of a global partnership for development, the reviews undertaken by the secretariat of the Permanent Forum indicate that none of the reports on the Millennium Development Goals has mentioned indigenous peoples.

57. The United Nations Millennium Declaration did not make any specific reference to indigenous peoples. There is urgent need to redefine approaches to the

[34] See E/C.19/2011/9.

[35] More information on the activities carried out by groups members of the indigenous movement, including their submissions to the meeting, can be found at the website of the United Nations Conference on Sustainable Development.

implementation of the Goals so as to include the rights, perspectives, aspirations and priorities of indigenous peoples in the follow-up to global development processes. Indigenous peoples also need to provide their own definitions of poverty and development.

IV. Conclusion

58. Some progress has been made in recognizing the rights of indigenous peoples through constitutional and legislative reforms. The United Nations Declaration on the Rights of Indigenous Peoples has guided many processes of constitutional reform and the drafting of laws for the protection of indigenous peoples' rights. The Declaration has served as a reference in several rulings by national tribunals, regional courts and human rights systems.

59. There has also been some progress made in terms of the formulation of specific development policies at national level that incorporate indigenous peoples' holistic definition of development with culture and identity. There has been some recognition in the planning of programmes of indigenous peoples' definition of well-being that includes the concept of interculturality. At the same time, indigenous peoples have had to advocate at all levels to convince Member States and private corporations to implement the United Nations Declaration on the Rights of Indigenous Peoples.

60. Within the United Nations system, the formulation of the United Nations Development Group Guidelines on Indigenous Peoples' Issues has resulted in the initiation of programmes and projects specifically addressing indigenous peoples. However, efforts to provide adequate training to United Nations country teams, which have proven to be useful for raising awareness on the need to mainstream indigenous peoples' issues in the development agenda at country level, should be continued and, possibly, strengthened. There should also be an assessment of the effectiveness of implementation of the Guidelines at the country level.

61. The United Nations Declaration on the Rights of Indigenous Peoples has been increasingly used as a reference by United Nations treaty bodies and other monitoring mechanisms such as the universal periodic review. However, challenges have persisted, especially with regard to the recognition of indigenous land titles and indigenous peoples' rights to ownership, possession and use of their lands, territories and natural resources. It has become even more imperative that corporations interested in exploiting resources located within indigenous territories abide by the principles and norms of corporate social responsibility on matters affecting the lives and development opportunities of indigenous peoples.

62. From the analysis on the impact of the Second International Decade of the World's Indigenous People on the achievement of the Millennium Development Goals, several conclusions can be drawn:

(a) While many Member States, United Nations agencies and intergovernmental organizations have reported targeted initiatives for indigenous peoples, only a few have designed specific initiatives to promote the Second Decade. However, although not directed specifically towards achieving the goal and objectives of the Second Decade, these initiatives have been largely aligned with them;

(b) Since indigenous peoples constitute the most marginalized sectors of the population in the majority of countries, and usually rank lower on all indicators of human, economic and social development, it can be inferred that initiatives targeting vulnerable groups have had an impact on indigenous peoples. However, the particular situations of indigenous peoples, their world view, values and perspectives, deserve not only specific attention, but also programmes and projects tailored to their needs;

(c) Indigenous peoples have remained invisible in most national statistical and data collection processes. Disaggregation on the basis on ethnicity is urgent. The lack of data on the real status of indigenous peoples has impeded the development of initiatives that address their needs efficiently.

63. Lack of knowledge, capacity and operationalization of policies has been noted at national and international levels. Effective implementation of such measures, in both legislative and political spheres, remains crucial.

V. Recommendations

64. In view of the challenges identified at the national and international levels, the following areas demand attention and urgent action before the end of the Second International Decade of the World's Indigenous People:

(a) **Strengthening the partnerships between Member States and the United Nations system for the full and effective implementation of the United Nations Declaration on the Rights of Indigenous Peoples at the country level, including the implementation of the recommendations of the three United Nations mechanisms working on indigenous peoples' issues (United Nations Permanent Forum on Indigenous Issues; Expert Mechanism on the Rights of Indigenous Peoples; and Special Rapporteur on the rights of indigenous peoples);**

(b) **Ensuring that indigenous peoples are included in the post-2015 processes regarding sustainable development goals;**

(c) **Requesting Member States to improve the collection and disaggregation of data regarding indigenous peoples;**

(d) **Requesting Member States to ensure that public policies, legislation, programmes and projects are designed in consultation with indigenous peoples and take into consideration their development needs and priorities;**

(e) **Requesting Member States and the United Nations system to operationalize the principle of free, prior and informed consent.**